



GALLATIN COUNTY

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County Commission

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TO: WATER POLICY INTERIM COMMITTEE

FROM: STEVE WHITE, GALLATIN COUNTY COMMISSIONER

W. RANDALL JOHNSON; AICP, GALLATIN COUNTY PLANNING DEPARTMENT

SUBJECT: SUBDIVISION WATER SUPPLIES; CONDITIONS REQUIRED FOR SUBDIVISION APPROVAL

DATE: JANUARY 10, 2012

Subdivisions Proposing Individual, Exempt Wells for Each Lot:

- State Department of Environmental Quality approval shall be obtained. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval.

Subdivisions Proposing New Community Water System:

- The subdivider shall provide a copy of the Beneficial Water Use Permit issued by Water Rights Bureau, Montana Department of Natural Resources and Conservation.
- Subdivider shall verify water rights and if water rights are removed from the subdivision place of use through an appropriate legal or administrative process then the removal or intended removal shall be denoted on the final plat. If removal of water rights is not complete at final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent in agreements and legal documents for related sales transactions pursuant to Section 76-3-504.9.b, MCA.
- Prior to the platting of any development phases, the subdivider shall create a sewer and water district for the operation and maintenance of all community water and wastewater treatment systems within the subdivision.
- The proposed water and sewer systems shall be designed to accommodate future expansion and/or connection to a regional facility. Applicant shall provide sewer and water easements to existing adjacent developments.

WPIC
January 10, 2012
Exhibit 11

Subdivisions Proposing Connection to Existing Community Water System:

- Prior to final plat approval, the subdivider shall submit evidence to Gallatin County that the physical availability of water is sufficient to meet the water supply needs of the proposed subdivision, as determined by the State of Montana, and that all uses of water within all phases of the proposed subdivision are legally authorized. To fulfill the above requirement, and as required pursuant to Montana law, (i) the subdivider or the subdivider's water supply provider may provide to Gallatin County a permit to use water from the State of Montana pursuant to Title 85, Chpt. 2, MCA, in an amount equal to the water requirements of all phases of the proposed subdivision as determined by the State of Montana; or (ii) the subdivider or subdivider's water supply provider may provide to Gallatin County permits and/or authorizations to change existing water rights from the State of Montana pursuant to Title 85, Chpt. 2. A permit and/or authorization to change existing water rights must demonstrate that, at the time of final plat approval of the first phase of the subdivision, the subdivider or the subdivider's water supply provider has physical and legal access to water, as determined by the State of Montana, in an amount equal to the capacity required to meet the water requirements of all phases of the proposed subdivision at full build out. If the subdivider connects to a water supply provider's system, the permits and/or authorizations to change existing water right must demonstrate the water supply provider has physical and legal access to water, as determined by the State of Montana, in an amount equal to the capacity required to meet the water requirements of the water supply provider's entire supply system upon full build out of all lots within the water provider's system that were created pursuant to Title 76, Chpt. 3. The water provider's entire system includes: (i) all phases of the subdivider's subdivision; (ii) all other previously permitted subdivisions created pursuant to Title 76, Chpt. 3, for which the water supply provider provides water; and (iii) any existing or proposed subdivisions for which the water supply provider has committed to provide water.
- No installation of infrastructure improvements (i.e. roads, water and sewer facilities, utilities) shall take place within the site until all applicable permits as listed in Section 5.D.12 of the Subdivision Regulation have been issued by the agency or agencies authorized by statute, rule or regulation to issue them. In addition, no installation of infrastructure improvements shall take place within the site until the subdivider or subdivider's water supply provider has provided evidence to Gallatin County, pursuant to these conditions of approval, that the physical availability of water is sufficient to meet the water supply needs of the entire subdivision, as determined by the State of Montana, and that all uses of water within the entire subdivision are legally authorized. This requirement shall not preclude or prevent an applicant from proceeding with the testing needed to obtain the data necessary (whether under statute, rule or regulation) to apply for the permits required for final plat approval.
- State Department of Environmental Quality approval shall be obtained for the subdivision for use of central wastewater systems through Utility Solutions, LLC, or by the Applicant through a County Water and Sewer District. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-

County Environmental Health Department. Applicant shall obtain the Gallatin County Health Officer's approval.

- Prior to final plat approval all legal approvals necessary to deliver water to the subdivision shall be obtained and all infrastructure necessary to physically deliver the water to the lots shall be constructed.

GALLATIN COUNTY GROWTH POLICY

Chapter 3. County-Wide Goals and Policies

3.1 Water Quantity Goal 1: Assure Sustained Water Quantity

Policies:

1. Encourage development to assess both the immediate and the long-term, cumulative impacts on water quantity.
2. Encourage development to document adequate water quantity.
 - Encourage development to show how water rights belonging to the property will be disposed of and demonstrate a rational plan to maintain and protect flows for existing water rights of others.

